

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers, <i>Co-Chair</i> Donald A. Migliori, <i>Co-Chair</i> Robert T. Haeefe, <i>Liaison Counsel</i> MOTLEY RICE LLC	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

May 10, 2024

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees and counsel for the *Ashton* Plaintiffs, as authorized by the Court's endorsements at ECF Nos. 9122 and 9434, today have filed publicly "Plaintiffs' Opposition to Defendant Dallah Avco Trans Arabia Company's Renewed Motion to Dismiss or in the Alternative for Summary Judgment [Corrected]," which Plaintiffs previously filed under seal on January 17, 2024 at ECF No. 9537. The parties' review of the remainder of Plaintiffs' filings in opposition to Dallah Avco's renewed motion to dismiss/motion for summary judgment is ongoing, and Plaintiffs anticipate filing the remaining items in unsealed, redacted, public form once the parties have completed their review.

Consistent with the processes indicated in the endorsements at ECF Nos. 9122 and 9434, after Plaintiffs' Memorandum of Law was filed under seal, Plaintiffs circulated the memorandum among counsel for Saudi Arabia, Dallah Avco, and the FBI, with proposed redactions premised on information the FBI had previously designated as subject to the Privacy Act Order and Protective Order for FBI Documents ("the FBI Order," ECF No. 4255). The document filed publicly today reflects redactions that the FBI has identified under the FBI Order. Neither Dallah Avco nor Saudi Arabia proposed redactions to the document filed today.

As recognized in both endorsements and repeated throughout the parties' negotiations in the unsealing process, by publicly filing Plaintiffs' memorandum today with the redactions, Plaintiffs are not waiving any right to seek to remove any redaction. ECF Nos. 9122 at 2, 9434 at 1. Plaintiffs continue to generally reserve the right to object to the FBI's or any other parties' confidentiality designations, including without limitation because (1) the FBI's law enforcement investigation into 9/11 has ended, (2) the public has a presumptive right to access judicial documents, especially materials offered for the Court's consideration in dispositive motion practice, (3) President Biden's Executive Order 14040 expressed the value of maximizing the public access to this information, (4) this Court has previously recognized the need for public access, (5) neither the Government nor any

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other party has substantiated the necessity for the sealing and proposed redactions and (6) any further objection to unsealing is waived.

Respectfully submitted,

COZEN O'CONNOR

By: /s/ Sean P. Carter
SEAN P. CARTER
One Liberty Place
1650 Market Street, Suite 2800
Philadelphia, Pennsylvania 19103
Tel.: (215) 665-2105
Email: scarter@cozen.com

For the Plaintiffs' Exec. Committees

KREINDLER & KREINDLER LLP

By: /s/ Steven R. Pounian
STEVEN R. POUNIAN
485 Lexington Avenue
New York, New York 10017
Tel.: 212-687-8181
Email: spounian@kreindler.com

Attorneys for Ashton Plaintiffs

cc: The Honorable George B. Daniels, via ECF
All Counsel of Record via ECF

MOTLEY RICE LLC

By: /s/ Robert T. Haeefe
ROBERT T. HAEFELE
28 Bridgeside Boulevard
Mount Pleasant, SC 29465
Tel.: (843) 216-9184
Email: rhaefe@motleyrice.com

For the Plaintiffs' Exec. Committees